

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

KRISTIN MARIE SMITH )  
                          )  
Plaintiff,             )  
                          )  
vs.                    )              Case No. 2:16CV24 ERW  
                          )  
TOYOTA MOTOR CORPORATION )  
                          )  
Defendant.            )

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Court's Order [182] denying Plaintiff's Motion for New Trial [173]. In its ruling, the Court erroneously applied an older version of Federal Rule of Civil Procedure 59(e), which required motions to alter or amend to be filed within 10 days after the entry of judgment. The Rule has since been amended to allow 28 days after the entry of judgment to file a motion to alter or amend. Fed. R. Civ. P. 59(e). Under this version, Plaintiff's filing was timely. Accordingly, this Court vacates its prior ruling denying as untimely Plaintiff's claim in her Motion for New Trial [173] which effectively requests this Court alter or amend its order on Defendant's Motion for Summary Judgment [103]. This Court will rule on the substance of this issue related to Plaintiff's alleged claim of defective seatbelt design of the Toyota 4Runner in an order to follow. The Court's rulings on Plaintiff's other grounds for her Motion for New Trial remain.

So Ordered this 20th Day of June, 2018.



---

**E. RICHARD WEBBER**  
**SENIOR UNITED STATES DISTRICT JUDGE**